THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

WRIT APPEAL NO : 1361 of 2005

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Dated: 22.08.2005

Between:

1. The Chairman & Managing Director, APCPDCL,

Singareni Bhavan, Near Hotel Ayodhya, Lakdikapool,

Hyderabad and two others.

..Appellants

And

1. N. Linganna, S/o Late Basappa and another.

..Respondents.

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THE HON'BLE MR JUSTICE P. LAKSHMANA REDDY

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JUDGMENT: (Per the Honourable Smt Justice T. Meena Kumari)

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This writ appeal is preferred by the appellants against the order, dated 25.2.2005 in W.P.No.16390 of 2003, under which the learned Single Judge directed the appellants to consider the case of the 2nd writ petitioner for appointment on compassionate grounds on retirement of the 1st writ petitioner on medical invalidation, within a period of two months from the date of receipt of the order.

The appellants herein are the respondents and the respondents are the petitioners in the writ petition. The status of the parties will be referred to as arrayed in the writ petition, so as to avoid confusion.

Originally, the writ petition was filed seeking a direction, in the nature of writ of Mandamus, (i) to declare the Memo No.DS (per) AS (Estt)/P-F/F.No.375/2003 of the 1st respondent dated 20.2.2003 as illegal and to set aside the same; (ii) to direct the respondents to appoint the 2nd petitioner on compassionate grounds in view of retirement of the 1st petitioner on medical invalidation.

It is the case of the writ petitioners that the 1st petitioner, who has been working in the respondents-firm, made an application seeking appointment of his daughter, 2nd petitioner, on compassionate grounds in view of his retirement on medical invalidation. But the same was rejected on the ground that as on the date of his request for retirement on medical invalidation, the petitioner did not have the balance service of five years as stipulated under the Regulations. Aggrieved by the same, the petitioner filed the above writ petition. The learned Single Judge having observed that the period of five years should only be reckoned from the date of application of the employee concerned and not from the date on which his retirement was accepted and therefore, there are bonafides on the part of the 1st petitioner in approaching the authorites, allowed the writ petition. Aggrieved by the same, the respondents-firm preferred the present appeal.

Heard the learned Counsel and perused the order under appeal and the material available on record.

It is not in dispute that by the date of application made by the 1st petitioner, the existence of balance of his service is more than five years. It is also not in dispute that the illness being suffered by the 1st petitioner is serious in nature. When there is no dispute as to the balance of service for more than 5 years by the date of application, the ground for rejection of that application is arbitrary in the absence of any specific regulation as to the basis from which the balance of service can be computed in a case of this nature.

In that view of the matter, We are of the view that the order under appeal does not suffer from any manifest illegality and it does not require interference by this Court.

Accordingly, the Writ Appeal is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 22.08.2005

Nn/rkk.